

A.M. NOV 02 2021 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY KMA DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF PIERCE

IN THE MATTER OF THE RESPONSE
BY THE SUPERIOR COURT OF THE
STATE OF WASHINGTON, COUNTY OF
PIERCE, TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON STATE

Emergency Order: 21-03

PUBLIC HEALTH EMERGENCY
ORDER REGARDING COURT
OPERATIONS

Pierce County Superior Court is dedicated to serving the citizens of Pierce County during the ongoing COVID-19 pandemic by ensuring open access to the court, independent and neutral resolution of matters brought before the court, and efficient and fair administration of justice. In this spirit, this court is resuming as normal of operations as possible while ensuring the safety of court participants, legal professionals, and court staff.

On February 29, 2020, Governor Jay Inslee declared a state of emergency in all counties in the state of Washington due to the public health emergency caused by COVID-19; and

On February 19, 2021, the Supreme Court of the State of Washington issued the Fifth Revised and Extended Order Regarding Court Operations ORDER No. 25700-B-658 that the Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency; and

1 On July 1, 2021, Governor Jay Inslee issued Proclamation 20-25, declaring his
2 Washington Ready program, fully reopening most sectors in the state, no longer requiring
3 social distancing, and requiring compliance with the Order of the Secretary of Health 20-
4 03.4 requiring face coverings regardless of vaccination status; and

5 Amid the ongoing Delta variant surge, this court continues to follow the
6 Department of Labor and Industries Requirements and Guidance for Preventing COVID-
7 19 while remaining open and providing vital court services in as safe and responsible way
8 as possible; and

9 The Presiding Judge in Pierce County has sufficient authority to effectively
10 administer the Superior Court in response to this state of emergency, including authority
11 to adopt, modify, and suspend court rules and orders and to take further actions concerning
12 court operations, as warranted to address the emergency conditions.

13 NOW, THEREFORE, pursuant to the Superior Court's authority to administer
14 justice and to ensure the safety of court personnel, litigants, and the public,

15 IT IS HEREBY ORDERED THAT:

- 16 1. **Expanded Criteria for Excusing Jurors.** Emergency Order #1 allowing an
17 expanded criteria for excusing jurors based upon public health emergency is
18 incorporated due to the ongoing Delta variant surge. Emergency Order #20
19 regarding authorization to conduct Pierce County Superior Court sessions at
20 alternative locations is incorporated to allow safe distancing for litigants,
21 attorney, court staff and jurors during civil jury trials.
- 22 2. **Commissioner's Court.** Commissioner Protocols published on the court's
23 website as Commissioner emergency/temporary procedures for civil
24

1 commissioner courtrooms at the county city building are incorporated. Third
2 Amended Emergency Order 20-19 regarding unlawful detainer actions and the
3 eviction resolution program (ERP) are incorporated.

4 3. **Video and Telephonic Appearance for Civil Matters.** Each Superior Court
5 Judge has the discretion to allow telephonic or video appearances for civil
6 motions, hearings, and bench trials. Information about how each judicial
7 department is hearing their civil motions will be routinely updated and posted
8 on the court's website under the Current Court Operations tab. Superior Court
9 Commissioners continue to hear matters by video appearances. Information will
10 be routinely updated and posted on the court's website under the Court
11 Commissioner Hearings tab.

12 4. **Video and Telephonic Appearance for Criminal Matters.** Emergency Order
13 #21-02 regarding implementation of CrR 3.4 is incorporated. Additionally, this
14 court find's good cause for Defendants to appear virtually, provided the
15 proceedings meet the standards under CrR 3.4(e)(3), from a Department of
16 Corrections or jail facility for criminal hearings, except for trial, requiring their
17 presence.

18 5. **Video and Telephonic Appearance for Juvenile Court Matters.** Juvenile
19 Court continues to hear all civil proceedings by video or telephone appearance.
20 Juvenile Court continues to hear all offender proceedings by video appearance
21 unless the youth is required to appear in person. In cases where the youth is
22 required to appear in person, the youth and the youth's attorney are the only
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1 participants expected to appear in court. Any participant or observer who is not
2 required to appear in person may join the offender proceeding by video.

3 6. **Signatures not required for Juvenile Court.** The Court finds that obtaining
4 signatures from clients for orders continuing existing dependency matters and
5 juvenile criminal matters places significant burdens on attorneys. An attorney's
6 signature on an order to continue constitutes a representation that the client has
7 been consulted and agrees to the continuance. Therefore, for all dependency
8 and juvenile criminal matters, attorneys are not required to obtain signatures
9 from their clients and shall provide notice to defendants and respondents of new
10 court dates.

11 7. **Pierce County Corrections Restraint Procedures.** Emergency Orders #9 and
12 #18 (20-18) not requiring Pierce County Corrections Officers transporting in-
13 custody criminal defendants to change restraints when escorting a defendant
14 into courtrooms are incorporated and remain in effect until further order of the
15 court.

16 8. **Courtrooms are open.** Pierce County Superior Court courtrooms are open to
17 the public. Each judicial officer will determine whether or not they will
18 livestream the proceedings in their courtroom on the court's website.

19 9. **Expired Orders.** The following emergency orders have expired or been
20 superseded and will be removed for the court's website to lessen confusion
21 about the court's current operations.

22 a. **Emergency Order #2 (20 2 05474 2).** Order regarding jury trials.

23 b. **Emergency Order #3 (20-03).** Order regarding Remann Hall Operations.
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- 1 c. **Emergency Order #4 (20-04)**. Order regarding operations.
- 2 d. **Emergency Order #5 (20-05)**. Order regarding operations for criminal
- 3 matters.
- 4 e. **Emergency Order #6 (20-06)**. Order regarding operations at Pierce
- 5 County Juvenile Court.
- 6 f. **Emergency Order #7 (20-07)**. Order regarding operations at Pierce
- 7 County Juvenile Court.
- 8 g. **Emergency Order #8 (20-08)**. Order regarding Western State Hospital
- 9 operations.
- 10 h. **Emergency Order #10 (20-10)**. Order regarding all civil protection orders.
- 11 i. **Emergency Order #11 (20-11)**. Order regarding adult criminal
- 12 proceedings.
- 13 j. **Emergency Order #12 (20-12)**. Order regarding adult criminal
- 14 proceedings by video conferencing.
- 15 k. **Emergency Order #13 (20-13)**. Order regarding protocol amendments.
- 16 l. **Emergency Order #14 (20-14)**. Order regarding amendments in
- 17 conformance with Supreme Court Orders.
- 18 m. **Emergency Order #15 (20-15)**. Order regarding extension of Supreme
- 19 Court Orders.
- 20 n. **Emergency Order #16 (20-16)**. Order regarding resumption of jury trials.
- 21 o. **Emergency Order #17 (20-16)**. Order regarding prohibiting recording or
- 22 videoing of remote proceedings.
- 23 p. **Emergency Order #21 (20-21)**. Order regarding suspension of jury trials.
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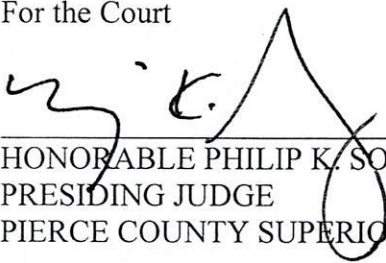
- 1 q. Emergency Order #22 (20-22). Order regarding suspension of jury trials
2 amending emergency order 20-21.
- 3 r. Emergency Order #21-01 (21-01). Order regarding suspension of jury
4 trials.
- 5 s. Emergency Order #23 (20-23). Order regarding suspension of jury trials.

6 Any temporary Pierce County emergency protocol adopted and published may be
7 updated or modified as necessary.

8 Any updates or modifications to temporary emergency protocols shall be reduced
9 to writing and transmitted to the relevant entities for publication on the Pierce County
10 Superior Court, Washington Administrative Office of the Courts, and Tacoma-Pierce
11 County Bar Association websites as they become available.

12 DATED at Tacoma, Washington this 2 day of November, 2021.

13 For the Court

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15 _____
16 HONORABLE PHILIP K. SORENSEN
17 PRESIDING JUDGE
18 PIERCE COUNTY SUPERIOR COURT

19 FILED
20 IN COUNTY CLERK'S OFFICE

21 A.M. NOV 02 2021 P.M.
22 PIERCE COUNTY, WASHINGTON
23 KEVIN STOCK, County Clerk
24 BY KMA DEPUTY

CLERK'S OFFICE

NOV 02 2021
PIERCE COUNTY, W
KEVIN STOCK
BY _____